

REMARKS

The pending claims were subject to earlier restriction requirements, and previously elected claims 1-23 were indicated to be allowable subject matter in the preceding Office Action. The dependent claims 24-26 not previously elected were therefore allowable subject matter as well. However, in the present Office Action, the Examiner imposed further restriction requirements for the allowable claims.

In the interest of expediting resolution of the issues, the undersigned contacted the Examiner by telephone to resolve the apparent issues. In a telephone inquiry to Examiner Le, and further to his supervisor Examiner Keith, Examiner Keith clarified that the previous indication of allowable subject matter in claims 1-23 have been withdrawn. Further prior art search and consideration are required.

Applicant notes that in the preceding and present Office Actions, the Examiner did not positively indicate whether the prior restriction requirements have been withdrawn. Applicant can only proceed on the assumption that the present restriction requirement replaced the prior requirements.

Applicant respectfully submits that the restriction requirements set forth in the present Office Action are improper.

Without conceding to the merits of the grouping of inventions and species by the Examiner, Applicant will, for purpose of the present response, refer to the inventions and species in the manner as identified by the Examiner.

Applicant provisionally elects, with traverse, invention of Group I, Species A (Fig. 3a), and sub-species a (Fig. 8b). Claims 1-24 read on the elected invention and species. Independent claims 1 and 11 are generic.

Applicant reserves the right to file a divisional application on the non-provisionally elected Groups II and III (claims 25 – 28) at a later date.

Inventions II/III & I

The Examiner stated that Inventions II (claim 25)/III (claims 26-28) and I (claims 1-24) are related as process and apparatus for its practice, and that the apparatus as claimed can be used to practice another and materially different process, such as not utilizing a stamping system. Applicant does not understand this basis for restriction.

Independent claim 1 is directed to an apparatus for producing a part, comprising a punch and die; independent claim 11 is directed to a stamping system for producing a part, which essentially incorporates the apparatus of claim 1. Claim 25 depends on independent claim 11 in Invention I, directed to a process for producing parts, comprising providing the stamping system claimed in claim 11. Hence, the apparatus of claim 1 and the system of claim 11 are for practicing a process utilizing a stamping system (given that the punch and die in the apparatus are stamping related components). The Examiner did not indicate how the apparatus of claim 1 or the system of claim 11 can be used to practice another viable and materially different process not utilizing a stamping system. The Examiner simply made a conclusory statement concerning the restriction, without providing adequate support for such restriction.

In view of at least the foregoing, restriction between Inventions II/III and I should be withdrawn, or the Examiner needs to clarify the basis for such restriction.

Inventions II and III

The Examiner asserted that Invention II (claim 25) and Invention III (claims 26-28) are related as process of making and product made, and that the process can be used to make other product other than optoelectronic part.

However, claim 26 of Invention III is not directed to optoelectronic parts. Optoelectronic part is recited only in dependent claims 27 and 28.

In view of at least the foregoing, restriction between Inventions II and III should be withdrawn, or the Examiner needs to clarify the basis for restricting Invention II and III.

Species A and B

Applicant does not understand the basis relied by the Examiner to restrict between Species A (Fig. 3a) and B (Fig. 4). Further, Applicant does not understand the basis relied by the Examiner, for each of Species A and Specie B, further to restrict between sub-species a (Fig. 8a) and b (Fig. 8b). Applicant respectfully submits that Fig. 3a and Fig. 4 shows different embodiments, with a variation in the absence of separate spacers 470 in the monolithic structure 510 shown in Fig. 4. Claim 4 recites a spacer between a die holder and a punch guide, which claim reads on both embodiments of Fig. 3a and Fig. 4. Claim 5 is dependent on claim 4, which further recites that the components recited in claim 4 are provided as a unitary structure. These two Species A and B should therefore be examined together.

Species a and b

Applicant does not understand the basis relied by the Examiner to restrict between Species a (Fig. 8a) and b (Fig. 8b). It appears that the Examiner intended to apply these as "sub-species" to each of Species A and B discussed above. The supervisory Examiner Keith confirmed this point during the discussion with the undersigned representative. Given that the restriction of Species A and B has been traversed above, the restriction of these "sub-species" would be moot.


Accordingly, Applicant respectfully requests the Examiner to withdraw the restriction requirement. Applicant respectfully submits that the claims as noted above are clearly not subject to restriction and should be substantively examined with the provisionally elected group. Applicant respectfully requests the Examiner to take into consideration the comments noted above, should the Examiner issue further restriction requirements. The Examiner is urged to set forth a clear and concise basis should the Examiner require similar restrictions as those set forth in the present Office Action, so that the Applicant can adequately respond to the Examiner's restriction concerns. Applicant should not be burdened to guess what the Examiner intended, and to allocate resources to respond to further inappropriate restriction requirements.

CONCLUSION

In view of all the foregoing, withdrawal of the restriction requirement is respectfully requested, and all pending claims should proceed to search and substantive examination. The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.

Respectfully submitted,

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Wen Liu
Registration No. 32,822

LIU & LIU
444 S. Flower Street; Suite 1750
Los Angeles, California 90071
Telephone: (213) 830-5743
Facsimile: (213) 830-5741
Email: wliu@liulaw.com